

## Message Text

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60

ORIGIN L-03

INFO OCT-01 ARA-01 ADP-00 JUSE-00 /005 R

DRAFTED BY L/M/SCA:JABOYD:MA

8/22/73 EXT 23062

APPROVED BY L/M/SCA:KEMALMBORG

ARA/BR:DKEMP

JUSTICE:BRISTAU

----- 024077

R 221832Z AUG 73

FM SECSTATE WASHDC

TO AMEMBASSY BRASILIA

LIMITED OFFICIAL USE STATE 166780

E.O. 11652, N/A

TAGS: AFSP, BR

SUBJECT: WALTER MENEZES V. U.S.

REF: BRASILIA 4923

JOINT STATE/JUSTICE MESSAGE

1. EMBASSY SHOULD RESOLVE THE MENEZES CASE BY REQUESTING LOCAL COUNSEL TO INDICATE TO COURT TOTAL LACK OF MERIT OF PLAINTIFF'S CLAIM ON TWO GROUNDS. FIRST, SHOW THAT PLAINTIFF WAS AN INDEPENDENT CONTRACTOR AND IS THUS NOT ELIGIBLE FOR CLAIMED EMPLOYEE BENEFITS. SECOND, SHOW THAT PLAINTIFF AGREED IN WRITING THAT ALL DISPUTES ARISING UNDER CONTRACT BETWEEN THE CONTRACTOR AND USG SHOULD BE DECIDED PURSUANT TO DISPUTES CLAUSE OF CONTRACT. DISPUTES CLAUSE PROVIDES EXCLUSIVE REMEDY FOR SETTLEMENT OF ANY AND ALL CONTROVERSIES ARISING UNDER CONTRACT. PLAINTIFF HAS FAILED TO INVOKE SAID EXCLUSIVE REMEDY. WE DO NOT WISH TO RAISE DEFENSE OF LACK OF JURISDICTION ON THE BASIS OF SOVEREIGN IMMUNITY BUT DESIRE INSTEAD TO PURSUE ABOVE COURSE OF ACTION RELYING UPON PLAINTIFF'S STATUS AS AN INDEPENDENT CONTRACTOR -

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NOT EMPLOYEE - AND HIS FAILURE TO EXHAUST EXCLUSIVE

REMEDY TO WHICH HE HAD VOLUNTARILY AGREED. ROGERS

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 22 AUG 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973STATE166780  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** JABOYD:MA  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** n/a  
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**Locator:** TEXT ON-LINE  
**Office:** ORIGIN L  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** BRASILIA 4923  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 16 JAN 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <16-Jan-2002 by martinml>; APPROVED <01 MAR 2002 by golinofr>  
**Review Markings:**

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**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** WALTER MENEZES V. U.S.  
**TAGS:** AFSP, BR  
**To:** BRASILIA  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005